



State Capitol | Lansing, Michigan 48913

PH (517) 373.7708 | FAX (517) 373.1450

www.senate.michigan.gov/gop/senator/gilbert/

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Contact: Scott Starr
517-373-7708

Federal court upholds Republican initiative to limit out-of-state trash

LANSING – Michigan has moved one step closer to having the out-of-state waste restrictions residents have been calling for, thanks to a ruling issued Friday in federal court upholding state law, announced Sen. Jud Gilbert, R-Algonac.

U.S. District Court Judge Avern Cohn has ruled Michigan's new restrictions on out-of-state waste are constitutional and can be implemented Nov. 1.

"The ruling represents a great victory for the residents of my district who live near the border and deal with the incoming trash daily," said Gilbert, one of the legislation's sponsors. "Preventing dangerous waste and harmful materials from entering Michigan will allow us to keep our state environmentally healthy."

The package of laws imposes restrictions on the importation of Canadian and out-of-state waste, sets a two-year moratorium on new landfills and gives broader authority to the Michigan Department of Environmental Quality to enforce these tougher garbage standards.

Under the new rules, all Canadian and out-of-state waste is required to meet the same stringent standards Michigan has for its own waste. Landfills are required to refuse any out-of-state waste that does not meet the tough standards.

The new laws represent a bi-partisan effort to limit the importation of Canadian and out-of-state waste. Canadian and out-of-state-waste accounts for approximately 25 percent of all trash entering Michigan's landfills.

"I am pleased this legislation was upheld," Gilbert said. "Residents along the border should feel much safer that all trash will now have to meet tougher standards."

The National Solid Wastes Management Association sued to block the new laws in April on the grounds that only Congress, not the state of Michigan, has the power to regulate interstate commerce, including trash.

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